IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.279 OF 1994

The State of Maharashtra ...Appellant.

V/s

Somnath Vaman Titade
and anr. ...Respondents.

Shri D.P. Adsule for the State.

CORAM: V.M.KANADE,J.
DATE: 21st March, 2005

P.C.:

1. Heard the learned APP for the State.

2. This is an appeal against the judgment and order passed by the Trial Court. The Trial Court held that the accused had committed an offence punishable under section 324 read with section 34 of the Indian Penal Code. However, the Trial Court considering the age of the accused and also considering the fact that they may have been instigated by their uncle, used its discretion and released them on execution of bond of Rs 3000/- each under section 4 of the Probation of Offenders Act.

3. I have perused the judgment and order of the Trial Court. It appears that the complainant had occupied the premises of the uncle of the accused who wanted to

get the premises vacated and, therefore, he instigated the accused who were below 25 years of age. I do not see any reason to interfere with the order passed by the Trial Court in so far as the sentence is concerned. Criminal Appeal No.279 of 1994 is, therefore, dismissed. Criminal Appeal No.163 of 1995 to be placed separately on the final hearing board.

V.M. KANADE, J.